

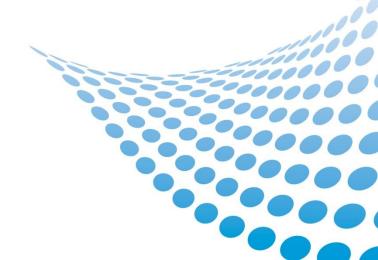
Presented by: Ricky Watson

6th Annual FAA National Civil Rights Training Conference for Airports

August 2015

Office Of Civil Rights

ACHIEVING SAFETY
THROUGH DIVERSITY



1) Regulatory Requirements

1) Regulatory Requirements

2) Strategies for Implementation

- 1) Regulatory Requirements
- 2) Strategies for Implementation
- 3) Self-Assessment

1) Regulatory Requirements

49 C.R.F. 26.37:



49 C.R.F. 26.37:

(a) Implement Appropriate Mechanisms to Ensure Compliance by All Program Participants

- 49 C.R.F. 26.37:
- (a) Implement Appropriate Mechanisms to Ensure Compliance by All Program Participants

(b) Ensure Work Committed to DBEs is Performed by DBEs

- 49 C.R.F. 26.37:
- (a) Implement Appropriate Mechanisms to Ensure Compliance by All Program Participants
- (b) Ensure Work Committed to DBEs is Performed by DBEs

(c) Running Tally of DBE Participation

Create Written Policies and Procedures as Appropriate

Create Written Policies and Procedures as Appropriate

Prompt Payment Verification Process

Create Written Policies and Procedures as Appropriate

- Prompt Payment Verification Process
- Terminating DBE Subcontract Process

Identify Appropriate Enforcement Mechanisms

- Progressive discipline policy
 - Breach of Contract Remedies



Identify Appropriate Enforcement Mechanisms

- Progressive discipline policy
 - Breach of Contract Remedies
- Reporting DBE Fraud





• What does the contract say?



What does the contract say?

Withhold progress payments



- What does the contract say?
- Withhold progress payments

Terminate contract



What does the contract say?

Withhold progress payments

Terminate contract

Internal prequalification process remedies



Enforcement Actions – Contractors – 49 CFR §26.107

- Involve OIG
- Suspension / Debarment
 - ☐ False Representation as DBE
 - ☐ Creating a front
 - ☐ Using a DBE that does not work
 - ☐Attempt to <u>Use Ineligible</u> firm
 - **□**Over-reporting



Regulatory Requirements: Ensure DBE's Performance of Contracts

Written Certification of Contract Review

- Contract Review Process
 - DBE Subcontract Review





Regulatory Requirements: Ensure DBE's Performance of Contracts

Written Certification of Contract Review

- Contract Review Process
 - DBE Subcontract Review

Vritten Certification of Work-Site Monitoring

- Site Visit reports / forms
- Follow-up reports (If required)

Regulatory Requirements: Ensure DBE's Performance of Contracts

Project Oversight is a **Team Effort!**

- Involve <u>Project Inspectors</u> and <u>Project Engineers</u>
- Create DBE Oversight as
 essential job function of multiple
 parties



Regulatory Requirements: Running Tally of DBE Participation



 Ensure Prime is Meeting DBE Commitment

Regulatory Requirements: Running Tally of DBE Participation



- Ensure Prime is Meeting DBE Commitment
- Track DBE <u>Awards</u> and <u>Commitments</u>

Regulatory Requirements: Running Tally of DBE Participation



- Ensure Prime is Meeting DBE Commitment
- Track DBE <u>Awards</u> and <u>Commitments</u>
- Track Payments made to DBEs

Strategies for Implementation

Complaint Investigations

■ Specific Allegations of Non-compliance

Strategies for Implementation

Complaint Investigations

Specific Allegations of Non-compliance

Compliance Reviews

Overall Assessment of DBE Program Implementation

Strategies for Implementation

Complaint Investigations

Specific Allegations of Non-compliance

Compliance Reviews

Overall Assessment of DBE Program Implementation

Enforcement Actions

- Conciliation Agreement
- Finding of Non-Compliance
- Restrict Drawdowns
- Inability to Start, Continue, or Complete DOT-assisted Projects



Self-Assessment



DBE/ACDBE Program Compliance Team (ACR-4)

- Michael D. Freilich, Director, National External Operations Program michael.freilich@faa.gov
- Gene E. Roth, Team Lead, DBE/ACDBE Program Compliance Team gene.e.roth@faa.gov
- Ricky Watson, Alaskan & Northwest Mountain Regions, <u>ricky.watson@faa.gov</u>
- Ofelia Medina, Central Region ofelia.medina@faa.gov
- Elizabeth Unrath, Eastern Region

- Nancy Cibic, Great Lakes Region nancy.cibic@faa.gov
- Thomas Knox, New England Region thomas.knox@faa.gov
- Keturah Pristell, Southern Region keturah.pristell@faa.gov
- Dolores Leyva, Southwest Region dolores.leyva@faa
- Patricia Wright, Western-Pacific Region patricia.wright@faa.gov



Questions?



RICKY WATSON

DBE/ACDBE Compliance Specialist

Alaskan & Northwestern Mountain Regions –



FAA Office of Civil Rights (ACR-4) (310) 725-3940

ricky.watson@faa.gov